

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES THEODORE ALECK and  
TIA DANIELLE FRASER,

Plaintiffs,

Case No. 23-CV-10820

vs.

HON. GEORGE CARAM STEEH

HAVENPARK MANAGEMENT, LLC  
And SPRINGBROOK ESTATES,

Defendants.

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ORDER ACCEPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION [ECF No. 23]

Plaintiffs James Theodore Aleck and Tia Danielle Fraser, proceeding *pro se*, have sued defendants Havenpark Management LLC and Springbrook Estates over a dispute related to their agreements to lease a manufactured home and land in Romeo, Michigan. A Report and Recommendation (R&R) was prepared by the Magistrate Judge on plaintiffs' motion for default judgment (ECF No. 16) and motions for summary judgment (ECF Nos. 3, 9). The Magistrate Judge recommends that the motion for default judgment be denied and the motions for summary judgment be denied without prejudice because they were prematurely filed. The matter is before the Court on plaintiffs' timely

objections. For the reasons set forth below, plaintiff's objections are overruled and the R&R is adopted as an order of the Court.

When ruling on objections to an R&R, the court conducts a *de novo* review of the portions of the R&R to which a party has filed specific objections. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *Smith v. Detroit Fed'n of Teachers, Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). On the other hand, general objections, or ones that merely restate arguments previously presented to the magistrate judge, are not valid objections and are "tantamount to a complete failure to object." *Cole v. Yukins*, 7 F. App'x 354, 356 (6th Cir. 2001).

I. Objection as to Procedural History

Plaintiffs first object to the timeline prepared by the Magistrate Judge setting forth the relevant procedural history for purposes of addressing plaintiffs' dispositive motions. Specifically, plaintiffs argue that defendants' appearance and answer should not be recognized by the Court because they were not properly served on plaintiffs.

This issue was raised before the Magistrate Judge in connection with plaintiff's motion to strike defendants' filings because defendants did not mail hard copies of their filings to plaintiffs. The Magistrate Judge ordered that defendants mail hard copies of all past, present and future filings to

plaintiffs, but declined to strike any of defendants' filings. The Magistrate Judge clearly addressed the issue and corrected the oversight on the part of defendants by requiring that all filed pleadings be mailed to plaintiffs. The Court overrules plaintiffs' objection that defendants' appearance and answer should not be acknowledged by the Court because they were not properly served on plaintiffs.

II. Objection as to Service of Defendants' Answer

The second objection is similar to the first in that plaintiffs argue their motion for entry of default judgment should be granted because defendants' counsel failed to serve their appearance and answer within 21 days of being served with the complaint. This issue was also addressed by the Magistrate Judge, who recommends that default judgment is not warranted where defendants timely filed an answer and responses to motions, especially where plaintiffs have been able to review defendants' filings electronically. No. 23, PageID.177. This objection is likewise overruled. The Court further notes that Clerk's entry of default was not entered, Fed. R. Civ. P. 55(a), so plaintiffs' motion for entry of default judgment is properly denied, as recommended by the Magistrate Judge.

III. Objection as to Service of All Filings

Plaintiffs' third objection is that permitting defendants to mail hard

copies of their filings after the fact will delay the proceedings. The Court finds that any short delay incurred due to mail delivery will not prejudice plaintiffs. A scheduling order has not been issued in this case and no discovery has commenced. This objection is overruled.

This Court agrees with the analysis conducted and adopts the recommendation made by the Magistrate Judge. Now, therefore, for the reasons stated by the Magistrate Judge, the R&R is adopted as an order of the Court.

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 23) is accepted by the Court.

IT IS HEREBY FURTHER ORDERED that plaintiffs' motions for summary judgment (ECF Nos. 3 and 9) are DENIED as premature.

IT IS HEREBY FURTHER ORDERED that plaintiffs' motion for entry of default judgment (ECF No. 16) is DENIED.

Dated: September 18, 2023

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 18, 2023, by electronic and/or ordinary mail and also on

James Theodore Aleck  
11972 Springbrook Court  
Bruce Township, MI 48065

Tia Danielle Fraser  
11972 Springbrook Court  
Bruce Township, MI 48065

s/Michael Lang  
Deputy Clerk